



**UNITED STATES DEPARTMENT OF COMMERCE**  
**National Oceanic and Atmospheric Administration**  
NATIONAL MARINE FISHERIES SERVICE  
Northwest Region  
7600 Sand Point Way N.E., Bldg. 1  
Seattle, WA 98115

Refer to:  
OSB1997-0776

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Re: ESA section 7 consultation on FY97 timber sales on the Umpqua National Forest and  
Roseburg and Medford BLM Districts, Umpqua River Basin

Dear Sirs:

This letter represents NMFS' biological opinion, pursuant to Section 7(b) of the Endangered Species Act (ESA), that the effects of certain timber harvest and associated activities, together with cumulative effects and the effects of the environmental baseline, are not likely to jeopardize the continued existence of certain listed, proposed, and candidate fish species. This letter also authorizes incidental take associated with the subject timber sales. In making these determinations the National Marine Fisheries Service (NMFS) applies the methodology described in the NMFS document entitled "Application of Endangered Species Act Standards to: Umpqua River Cutthroat Trout, Oregon Coast Coho Salmon, . . . Oregon Coast Steelhead . . . For Federal Land Management Conferences and Consultations", February 1997. A copy of this document is Attachment 1 to this letter.

The Land and Resource Management Plan for the Umpqua National Forest and the Resource Management Plans for the Roseburg and Medford BLM Districts were recently the subject of a formal programmatic ESA consultation that was concluded when NMFS issued its Biological Opinion and Conference Opinion concerning the effects of their implementation on these same species, dated March 18, 1997. That opinion provides an important basis for many of NMFS' determinations documented by this letter. Hereafter that programmatic opinion is referred to as LRMP/RMP Opinion (NMFS 1997b).



Biological assessments (BAs) describe in detail the timber sales listed below in Table 1 in the Umpqua National Forest (UNF) and Roseburg and Medford Bureau of Land Management (BLM) Districts on Umpqua River (UR) cutthroat trout. These BAs were received by NMFS on May 8, 1997. The Level I team for implementation of each of the subject timber sales determined that the subject sales are “likely to adversely affect” (LAA) the listed UR cutthroat trout and therefore require a formal ESA consultation and this biological opinion. The UNF and Roseburg and Medford BLM Districts also requested conferencing on the effects of the subject actions on Oregon Coast (OC) steelhead trout. This letter is also a conference opinion with respect to that species, as provided for in 50 C.F.R. § 402.10(d). The letters which accompanied the BAs stated, and NMFS concurs, that all effects determinations are the same for the two species.

### **Biological Requirements, Environmental Baseline and Cumulative Effects**

The UR cutthroat trout (*Oncorhynchus clarki clarki*) was listed as endangered under the ESA by the NMFS (August 9, 1996, 61 FR 41514). The OC coho salmon (*O. kisutch*) and OC steelhead trout (*O. mykiss*) Evolutionarily Significant Units (ESUs) were proposed as threatened under the ESA by NMFS (July 25, 1995, 60 FR 38011 and August 9, 1996, 61 FR 41541). The OC coho salmon ESU was reclassified as a candidate for listing under ESA by NMFS (May 6, 1997, 62 FR 24588). NMFS has not yet proposed or designated critical habitat for these species.

The biological requirements of each of these ESUs are discussed in the LRMP/RMP opinion, NMFS (1997b). Environmental baseline conditions in the Umpqua Basin are discussed on pages 7-10 of NMFS (1996) and pages 13-14 of NMFS (1997b). Cumulative effects as defined under 50 CFR 402.02 are discussed for the Umpqua Basin on pages 12-13 of NMFS (1996). These respective analyses are incorporated herein by this reference. NMFS is not aware of any newly available information that would materially change these previous analyses of biological requirements, environmental baseline or cumulative effects for the purpose of this opinion.

### **Proposed Actions**

The Roseburg BLM District proposes regeneration harvest for all harvest units in the Dream Weaver, Sweet Pea, Buck Fever, Final Curtain, Pine Creek, Yoncalla West, and Diamondback Timber Sales. The Red Top Salvage Part II, Sugar Pine Density Management, Buck Creek, and Early Commercial Thinning Sales would be density management sales. No new permanent roads would be constructed for any of the timber sales on the Roseburg BLM District. A total of 1.6 miles of temporary roads are proposed for the Dream Weaver, Sweet Pea, Buck Fever, and Final Curtain, with 1.4 miles of that on ridgetops. A very minimal amount (100 to 200 feet per sale area) of temporary road is proposed for each of the other sales. Some thinning is proposed within riparian reserves for the Red Top Salvage Part II and Sugar Pine Density Management sales. However, a 100-foot “non-touch” buffer would be maintained on all streams, and any timber harvested from riparian reserves would be yarded from existing rock surfaced roads during the dry season (May 15-October 15). The Early Commercial Thin

Sale would involve thinning of timber in small areas throughout the basin (maximum unit size 14 acres). This thinning would take place from existing roads and no thinning would take place in riparian reserves. The Emile Timber Sale would involve 64 acres of regeneration harvest, 39 acres of 50% canopy retention cut, and 29 acres of commercial thinning. Some thinning would occur within riparian reserves in one harvest unit of the Emile Timber Sale.

The Medford BLM District proposes a combination of harvest types on its timber sales. On the Key Elk Timber Sale, 171 acres would be regeneration harvest, 245 acres commercial thin, 94 acres of overstory removal, and 16 acres of individual tree selection. Approximately 0.2 mile of temporary road would be constructed for the Key Elk Sale. On the Bonnie and Slyde Timber Sale, 91 acres of regeneration harvest, 38 acres of commercial thin, and 67 acres of overstory removal. Approximately 0.7 mile of temporary road would be constructed for the Bonnie and Slyde Sale. There would be no harvest in riparian reserves on the Key Elk or Bonnie and Slyde Timber Sales. On the Wildcat Commercial Thin Sale, 470 acres would be thinned and yarded by helicopter. Some thinning would occur in riparian reserves, with a 100-foot non-touch buffer maintained on all streams. No new roads would be constructed for the Wildcat Commercial Thin Sale.

The UNF proposes a salvage harvest on 96 acres of fire damaged trees in the Benchmark Salvage Timber Sale. No new permanent roads would be built. A short temporary road would be built. No harvesting would occur in riparian reserves. The Little River DEMO (Demonstration of Ecosystem Management Options) Timber Sale involves various harvest types (15-75% canopy retention) on 160 acres (128 acres in the Emile Creek drainage and 32 acres in upper Little River). Some harvesting would occur within riparian reserves on four harvest units (17.2 total acres) in the Emile Creek drainage and one unit (2 acres) in upper Little River. The Little River DEMO Timber Sale is located within an Adaptive Management Area (AMA) as defined under the Northwest Forest Plan (NFP). No new roads would be built and all units would be helicopter logged.

## **Effects of the Actions**

The effects of each of these timber sales on the salmonid stocks and their habitat is presented in the BAs prepared by the action agencies and reviewed by the Level 1 teams on which NMFS was represented. NMFS finds those descriptions to be adequate for this analysis and as part of the basis for the determinations of this letter.

Additionally, a detailed discussion of the potential effects of timber harvest and associated activities on salmonid habitat is presented in the NMFS document entitled “Potential Effects of Timber Harvest and Associated Activities on Salmonid Habitat and Measures to Minimize Those Effects” (hereinafter referred to as “NMFS 1997a”). A copy of the document is Attachment 2 to this letter and is incorporated herein by this reference. Similarly, a general discussion of the potential effects of associated road construction on salmonids and their habitat is provided in LRMP/RMP biological opinion, NMFS (1997b). NMFS has considered the applicability of these analyses to each of the timber sales identified in the BAs and in Table 1 of this letter. The appropriate reviews and assessments, including watershed analyses, National Environmental Policy Act (NEPA) analyses and

research review has occurred in watersheds where timber harvest is proposed in riparian reserves. The proposed Little River DEMO Timber Sale and the Emile Timber Sale are located within the Little River Adaptive Management Area (AMA) where standards and guidelines in the Northwest Forest Plan (NFP) Record of Decision allow appropriate research projects to be conducted in riparian reserves. The NMFS is not aware of any other special characteristics of the particular sales that would cause greater or materially different effects on the subject salmonid species and their habitat than is discussed in these references. Similarly NMFS is not aware of any newly available information that would materially change these previous effects analyses.

NMFS concludes that, when the effects of these proposed site specific actions are added to the environmental baseline and cumulative effects occurring in the relevant action areas, they are not likely to jeopardize the continued existence of UR cutthroat trout or OC steelhead trout. In reaching this conclusion NMFS has utilized the best scientific and commercial data available as documented herein and by the BAs and documents incorporated by reference.

### **Incidental Take Statement**

Effects resulting from road construction (e.g. sedimentation) are expected to be the primary source of incidental take associated with the proposed timber sales listed in Table 1 below. Because of the limited amount of new road construction, location of the roads, and the fact that most are temporary, sediment impacts are expected to be minimized. Effects of harvesting in riparian reserves are also expected to be minimal because of location, land form, and harvest method. The NMFS expects that the incidental take associated with the other effects (discussed in NMFS 1997a, Attachment 2) of the subject timber sales will also be minimal.

Adverse effects of management actions such as these are largely unquantifiable in the short-term, and may not be measurable as long-term effects on the species' habitat or population levels. Therefore, even though the NMFS expects some low level of incidental take to occur due to these actions, the best scientific and commercial data available are not sufficient to enable NMFS to estimate a specific amount of incidental take to the species themselves.

The incidental take statement in the LRMP/RMP opinion provided reasonable and prudent measures and terms and conditions to avoid or minimize the take of listed salmonids from actions involving road construction (pages 65 and 70-72) that may be applied to site specific actions if appropriate. According to the procedural expectations of that programmatic biological opinion, NMFS (1997b), the Umpqua Level I team discussed the subject timber sales on the UNF and Roseburg and Medford BLM Districts at meetings in Roseburg, Oregon on April 18 and 25, 1997. The Level I team found that the subject timber sales are consistent with LRMP/RMP standards and guidelines and Aquatic Conservation Strategy objectives and

therefore found that reasonable and prudent measure #8, and corresponding terms and conditions # 8a-8f regarding road construction in NMFS (1997b) are appropriate for these timber harvest activities.

NMFS hereby applies the findings, reasonable and prudent measures, and terms and conditions set forth in the Incidental Take Statement of the programmatic LRMP/RMP Opinion (NMFS 1997b) to these site specific road construction actions. Copies of the incidental take provisions of the LRMP/RMP Opinion are Attachment 3 to this letter.

To the minimal extent that incidental take may result from the non-road construction aspects of these subject timber sales, NMFS finds that it is appropriate to prescribe reasonable and prudent measures, with terms and conditions, to further minimize or avoid such incidental take. Based on the effects analysis presented in NMFS 1997a, Attachment 2, NMFS finds that the measures, terms and conditions proposed in that document are appropriate for these timber sales. Therefore NMFS further authorizes such minimal incidental take provided the Forest Service, BLM and their applicants comply with those measures, terms and conditions.

Reinitiation of consultation is required if: (1) the amount or extent of taking specified in the incidental take statement, above, is exceeded, (2) the action is modified in a way that causes an effect on the listed species that was not previously considered in the BA and this biological opinion; (3) new information or project monitoring reveals effects of the action that may affect listed species in a way not previously considered; or (4) a new species is listed or critical habitat is designated that may be affected by the action (50 CFR 402.16).

Questions regarding consultation and conferencing on these actions should be directed to Ron Lindland at 503-231-2315.

Sincerely,



William Stelle, Jr.  
Regional Administrator

#### Attachments

cc: J. Dose - UNF  
D. Rivard - Roseburg BLM  
B.Bessey - Medford BLM

Table 1. Ongoing and proposed timber sales covered by this Opinion.

<b>Roseburg BLM District</b>	
Dream Weaver	Red Top Salvage Part II Density Mgmt.
Sweet Pea	Sugar Pine Density Management
Buck Fever	Buck Creek Commercial Thinning
Final Curtain	Early Commercial Thinning
Pine Creek	
Yoncalla West	
Diamondback	
Emile	
<b>Umpqua National Forest</b>	
Benchmark Salvage Sale	
Little River DEMO Timber Sale	
<b>Medford BLM District</b>	
Key Elk	
Bonnie and Slyde	
Wildcat Commercial Thin	

## References

- National Marine Fisheries Service (NMFS). 1997a. The potential effects of timber harvest and associated activities on salmonid habitat and measures to minimize those effects. July .
- National Marine Fisheries Service (NMFS). 1997b. Biological Opinion and Conference Opinion on Implementation of Land and Resource Management Plans (USFS) and Resource Management Plans (BLM) on the Oregon Coast. NMFS Northwest Region 7600 Sand Point Way, NE Bin C15700, Bldg. 1, Seattle, Washington 98115. Biological Opinion and three attachments. March 18.
- National Marine Fisheries Service (NMFS). 1996. Biological Opinion on Ongoing and Proposed (through 12/31/96) Actions Affecting Umpqua River Cutthroat Trout. NMFS, Northwest Region 7600 Sand Point Way, NE Bin C15700, Bldg. 1, Seattle, Washington 98115. Biological Opinion and three attachments. February 26..